

# The Odisha Gazette

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**No. 706 CUTTACK, TUESDAY, APRIL 17, 2012/CHAITRA 28, 1934**

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**SECRETARIAT  
OF  
THE ODISHA LEGISLATIVE ASSEMBLY**

**NOTIFICATION**

The 24th February 2012

No. 2469-L.A.—The following decision, dated the 4th November 2011 of the Speaker, Odisha Legislative Assembly given under paragraph 6(1) of the Tenth Schedule to the Constitution of India is hereby notified and published for general information :—

"DECISION OF THE SPEAKER, ODISHA LEGISLATIVE ASSEMBLY UNDER PARAGRAPH 6(1) OF THE TENTH SCHEDULE TO THE CONSTITUTION OF INDIA.

WHEREAS, Shri Karendra Majhi, M.L.A., Odisha Legislative Assembly filed a petition on the 12th July 2011 under Rule 6 of the Members of Odisha Legislative Assembly (Disqualification on Ground of Defection) Rules, 1987 framed under paragraph 8 of the Tenth Schedule to the Constitution of India stating his intention that Shri Bhimsen Choudhury, a Member of the Odisha Legislative Assembly has become subject to disqualification as per provision contained in paragraph 2 (1) (b) of the Tenth Schedule to the Constitution of India due to his voluntary abstention from voting in the election to the Rajya Sabha held on Dt. 17-6-2010, in violation of the written directions issued by his political party, to cast his vote in favour of independent candidate Shri Tara Ranjan Patnaik;

AND WHEREAS, the Provision of paragraph 2 (1) (b) of the Tenth Schedule to the Constitution of India stands applicable for voting in the House and abstention from voting in Rajya Sabha Election does not attract the rigour of aforesaid Provision of Law;

NOW, THEREFORE, taking all the above facts and circumstances into consideration, I, in exercise of powers conferred upon me by the Tenth Schedule to the Constitution of India, hereby decide, declare and order as follows :

**ORDER**

In exercise of the powers conferred upon me under paragraph 6 of the Tenth Schedule to the Constitution of India read with Rule 7 (2) of the Members of the Odisha Legislative Assembly (Disqualification on Ground of Defection) Rules, 1987, I, Pradip Kumar Amat, Speaker, Odisha

Legislative Assembly, hereby decide that the petition of Shri Karendra Majhi, M.L.A., Odisha Legislative Assembly filed against Shri Bhimsen Choudhury, M.L.A. is not in order.

Accordingly the petition of Shri Karendra Majhi, M.L.A., Odisha Legislative Assembly is dismissed with effect from the 4th November 2011.

PRADIP KUMAR AMAT

Speaker  
Odisha Legislative Assembly"

AMIYA KUMAR SARANGI

Secretary